

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 847895391 US, on the date shown below in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 2, 2006 Signature: 
(Diane Blevins)

Patent
Docket No. 532212000623

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. CANTOR

Serial No.: 10/617,489

Filing Date: July 10, 2003

For: METHODS, KITS AND ANTIBODIES
FOR DETECTING PARATHYROID
HORMONE



Confirmation No. 4476

Examiner: C. Cheu

Group Art Unit: 1641

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the non-patent literature documents are also submitted herewith. The Examiner is requested to make these documents of record.

Document numbers 3-5 and 9-12 are from the Reexamination proceeding of U.S. Patent No. 6,030,790, having Control No. 90/007,412. Document number 6 is the Decision from *Nichols Institute Diagnostics, Inc. v. Scantibodies Clinical Laboratory, Inc. and Scantibodies Laboratory, Inc.*, an appeal at the United States Court of Appeals for the Federal Circuit, Case No. 06-1087. The Federal Circuit reversed the district court's decision and invalidated U.S. Patent No. 6,030,790.

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11/07/2006 RFEKADU1 00000036 031952 10617489

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Document number 7 is from *Scantibodies Laboratory, Inc. v. Immutopics, Inc.*, currently pending in the United States District Court for the Central District of California, Case No. CV04-8871 GPS (MANx). Document number 8 was submitted by the third party requestor in the reexamination of U.S. Patent No. 6,689,566, having Control Numbers 90/007,685 and 90/007,732, and includes a copy of document number 7. Document number 24 is the Final Office Action from the reexamination of U.S. Patent No. 6,689,566. The present application is a Continuation-in-Part of U.S. Patent No. 6,743,590, which is a Continuation-in-Part of the U.S. Patent No. 6,689,566. Document number 13 is from *Nichols Institute Diagnostics, Inc. v. Scantibodies Clinical Laboratory Inc. and Scantibodies Laboratory, Inc.*, U.S.D.C. for the Southern District of California, Case No. 02 CV 0046 B (LAB), appealed at the United States Court of Appeals for the Federal Circuit, Case No. 06-1443.

Document number 14 is a Non-Final Office Action from the Applicants' related application, Serial No. 10/641,780, which is a Continuation of U.S. Patent No. 6,743,590, which is a Continuation-in-Part of the U.S. Patent No. 6,689,566. Document numbers 15 and 23 are from the Applicants' related application, Serial No. 10/760,091, which is also a Continuation of U.S. Patent No. 6,743,590, which is a Continuation-in-Part of the U.S. Patent No. 6,689,566. Document numbers 1 and 2 were cited by the examiner in the Non-Final Office Action from 10/760,091 (document number 23).

Document numbers 16-22 are from the prosecution history of the Applicants' related EP application No. 00 902 406.8-2404 (EP 1 151 307 A1 and EP 1 151 307 A4).

This Information Disclosure Statement is submitted:

- With the application; accordingly, no fee or separate requirements are required.
- Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.

- Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - A fee is required. A check in the amount of __ is enclosed.
 - A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of __ is enclosed.
 - A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

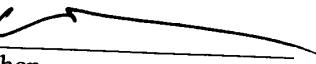
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other

fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 532212000623.

Dated: November 2, 2006

Respectfully submitted,

By 
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Substitute for form 1449/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/617,489
(Use as many sheets as necessary)				Filing Date	July 10, 2003
Sheet	1	of	2	First Named Inventor	Thomas L. CANTOR
				Art Unit	1641
				Examiner Name	C. Cheu
				Attorney Docket Number 532212000623	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	US-4,824,777	04/1989	Chang et al.	
	2.	US-5,545,553	08/1996	Gotschlich	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³ -Number-Kind Code ⁴ (if known)			
					T ⁶

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			
	3.	Petition For Extension of Time, Control No. 90/007,412, filed September 7, 2006			
	4.	Statement of Substance of Interview, Control No. 90/007,412, filed September 11, 2006			
	5.	Decision Granting Petition For Extension of Time, Control No. 90/007,412, mailed on September 12, 2006			
	6.	Decision from the US Court of Appeals for the Federal Circuit, Case No. 06-1087, Nichols Institute Diagnostics, Inc., v. Scantibodies Clinical Laboratory, Inc., and Scantibodies Laboratory, Inc., Decided September 20, 2006			
	7.	Joint Notice of Status of Reexamination of Patent-In-Suit, filed September 29, 2006 in Scantibodies v. Immutopics, USDC for the Central District of California, Case No. CV 04-8871 GPS (MANX)			
	8.	Notice of Litigation Activity, submitted by the third party requestor, October 6, 2006			
	9.	Ex Parte Reexamination Advisory Action, Control No. 90/007,412, mailed on September 19, 2006			
	10.	Miscellaneous Communication – Notice of Concurrent Proceeding, Control No. 90/007,412, filed September 22, 2006			
	11.	Ex Parte Reexamination Interview Summary, Control No. 90/007,412, mailed on October 10, 2006			
	12.	Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences, Control No. 90/007,412, filed October 10, 2006			
	13.	Order Granting Stay, filed October 12, 2006, US Court of Appeals for the Federal Circuit, Case No. 2006-1443			
	14.	Non-Final Office Action, from 10/641,780, mailed on October 5, 2006			
	15.	Statement of Substance of Interview, from 10/760,091, filed on October 17, 2006			
	16.	Result of Consultation, from EP Application No. 00 902 406.8 – 2404, dated December 19,			

Examiner Signature	Date Considered
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sd-336359

Substitute for form 1449/PTO				<i>Complete if Known</i>	
				Application Number	10/617,489
				Filing Date	July 10, 2003
				First Named Inventor	Thomas L. CANTOR
				Art Unit	1641
				Examiner Name	C. Cheu
Sheet	2	of	2	Attorney Docket Number	532212000623

2005		
17.	Communication Under Rule 51(4) EPC, from EP Application No. 00 902 406.8 – 2404, dated December 19, 2005	
18.	Request for correction After IGRA, from EP Application No. 00 902 406.8 – 2404, dated April 27, 2006	
19.	Documents For Grant, from EP Application No. 00 902 406.8 – 2404, dated May 24, 2006	
20.	Brief Communication, from EP Application No. 00 902 406.8 – 2404, dated June 12, 2006	
21.	Receipt of Third Party Observations, from EP Application No. 00 902 406.8 – 2404, dated July 6, 2006 (and English Translation)	
22.	Communication Pursuant to Article 115(2) EPC, from EP Application No. 00 902 406.8 – 2404, dated July 18, 2006	
23.	Non-Final Office Action, from 10/760,091, mailed on October 23, 2006	
24.	Final Office Action, from the Reexamination of U.S. Patent No. 6,689,566, Control Numbers 90/007,685 and 90/007,732	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	Date Considered
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